IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

FIRST APPEAL NO.90 OF 1998.

WITH

CIVIL APPLICATION NO.1321 OF 2005

Appasaheb Dattu Shintre : Appellant.

versus

Smt.Parvati Shankar Lad : Respondent.

Mr.M.R.Suryawanshi for the appellant.

Mr.N.V.Bandiwadekar with Mr.S.M.Kamble for the respondent.

CORAM : D.G.DESHPANDE,J.

DATED : 3rd May 2005.

ORAL ORDER

1. So far as Civil Application is concerned, it is for restoration of the Appeal which was dismissed by me on 10th March 2005 as nobody was

present for the appellant on that date. Heard. The application is allowed. Appeal is restored to filed. By consent, the appeal is taken up for final hearing.

2. Heard advocates for the appellant and respondent. The appellant had filed an application for grant of succession certificate in respect of the property of his wife. He obtained the certificate. But he did not join the mother of his deceased wife. Therefore, Respondent Smt.Parvati applied for revocation of the certificate. She contended that the appellant's so called marriage was the second marriage during subsistence of first marriage. It was, therefore, void and he could not get anything. The claim and contention of the respondent/mother was accepted by the trial Court. Hence this appeal by the appellant.

3. Deceased Shashikala alias Vijayamala was serving as a peon in the office of Panchayat Samiti, Kagal. Therefore, both the advocates for the appellant and respondent agree that the amount in respect of which the appellant had filed his application for succession certificate

should be divided equally i.e. 1/2 share should be paid to the appellant and 1/2 share should be paid to the respondent/mother. Both of them also agree that there after whatever movables or immovable property is left by deceased Shashikala alias Vijayamala, the appellant will not make any application. The amount is lying with the panchayat samiti. All the parties to act upon certified copy of this order. Appeal is disposed of. No order as to costs.

[D.G.DESHPANDE]

03/05/2005 JUDGE.